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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/665,367	09/19/2000	Dan Kikinis	004688.P015	5059	
75	90 06/04/2003	•		·	
John P Ward Blakely Sokoloff Taylor & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			EXAMINER		
			NGUYEN, CAO H		
			ART UNIT	PAPER NUMBER	
G ,			2173 DATE MAILED: 06/04/2003	19	

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Office Action Summary

Application No. **09/665,367**

Applicant(s)

Ward

Examiner

Cao (Kevin) Nguyen

Art Unit **2173**



	The MAILING DATE of this communication appears	on the cover a	sheet with	the correspondence address			
	for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXF THE MAILING DATE OF THIS COMMUNICATION.				_			
	ions of time may be available under the provisions of 37 CFR 1.136 (a). In a date of this communication.	ı no event, however	r, may a reply b	oe timely filed after SIX (6) MONTHS from the			
- If the p - If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the period for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the patent term adjustment. See 37 CFR 1.704(b).	and will expire SIX (the application to be	(6) MONTHS fra ecome ABANDO	rom the mailing date of this communication. DNED (35 U.S.C. § 133).			
Status							
1) 💢	Responsive to communication(s) filed on <u>RCE filed</u>	12/26/02					
2a) 🗌	This action is FINAL . 2b) 💢 This act						
3) 🗆	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.						
	tion of Claims						
4) 💢	Claim(s) <u>1-48</u>			is/are pending in the application.			
4	a) Of the above, claim(s)			is/are withdrawn from consideration.			
5) 🗆	Claim(s)			is/are allowed.			
6) 💢	Claim(s) 1-48			is/are rejected.			
7) 🗆	Claim(s)			is/are objected to.			
8) 🗌	Claims	a	re subject	to restriction and/or election requirement.			
Applica	tion Papers						
9) 🗆	The specification is objected to by the Examiner.						
10)	10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)	The proposed drawing correction filed on	i	is: a) 🗌 a	pproved b) \square disapproved by the Examiner.			
	If approved, corrected drawings are required in reply to this Office action.						
12)	12) \square The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
	J All b)□ Some* c)□ None of:						
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No.						
	 Copies of the certified copies of the priority do application from the International Burea ee the attached detailed Office action for a list of the 	eau (PCT Rule	: 17.2(a)).				
a) □	5						
Attachment(s)							
1) No	tice of References Cited (PTO-892)	4) Interview S	Summary (PTO	-413) Paper No(s)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)							
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)							

Application/Control Number: 09/665,367

Art Unit: 2173

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 12/26/2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/665,367 is acceptable and a CPA has been established. An action on the CPA follows:

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-6, 8, 10, 13-18, 20, 22, 30, 32, 34, 37-42, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al. (US Patent No. 5,724,492).

Regarding claims 1, 13, 25 and 27 Matthew discloses a method for displaying an Electronic Programming Guide (EPG) comprising generating a three dimensional virtual mesh polyhedron (see Abstract); polyhedron having a first object on a first plane and a second object on a second plane, objects providing interactive surfaces (see figure 7); however, Matthew fails

to explicitly teach generating a plurality of planes positioned in polyhedron, planes being approximately parallel.

Matthew's three-dimensional object is animated to show the spinning of the menu structure and the relationship between the menu panel. It would have therefore been obvious to one of an ordinary skill in the art at the time the invention was made to provide generating a plurality of planes positioned in polyhedron, planes being approximately parallel as taught by Matthew in order to provide a methods for displaying multi-paneled menu objects in 3-D world.

Per claims 2, 14, 26, and 38, Matthew discloses wherein-said polyhedron is displayed with an isometric view [rotating the object includes displaying graphic elements depicting a 3-D relationship between the first and second panels. see col. 4, lines 34-38.] discloses a method for displaying a channel manager or an Electronic programming guide (see fig. 7); and the method includes displaying a multi-sided or three dimensional plane surfaces ("virtual imesh polyhedron") (see fig. 7); wherein each plane surface includes objects positioned on the 3D surfaces, such as NBC object positioned on one side of the 3D surface ("first object on a first plane") and a volume object positioned on another side of the 3D surface ("second object on a second plane") (see Fig. 7) and said objects provide interactive surfaces selected by a viewer (see Fig. 7, col 19, lines 51-62).

Per claims 3, 15, 27, and 39, Matthew discloses wherein said EPG is generated exclusive of three dimensional graphics circuitry [a transition between panels on the channel manager.. see

Page 4

Art Unit: 2173

col. 13, lines 40-43 and figure 7]; and the channel manager could be displayed as a three dimensional object shown in perspective or orthogonal view ("isometric view") (col 15, lines 15-35).

Per claims 4, 16, 28, and 40, Matthew discloses wherein selection of one of said objects will select a program provided on a certain channel at a certain time [The channel manager of Matthews provides a user interface that facilitates the browsing and selection of an items such as channels from a group of multiple items, associated with certain time (col 5, lines 52-col 6, lines 4, col 2, lines 18-39); and discloses a high-end "PENTIUM"-microprocessor that supports a graphics-intensive (such as 3D), graphics-based presentation of program-related information. The channel manager panels are presented as part of a three-dimensional structure (col 10, lines 40-59, col 12, lines 28-col 13, lines 2).

Per claims 5, 17, 29, and 41, Matthew discloses wherein said objects are independent of said polyhedron [the channel manager could be displayed as a 3-D object shown in perspective or orthogonal view... see col. 15, lines 2534 and figure 6.]; and the channel manager of Matthews provides a user interface that facilitates the browsing and selection of an items such as channels from a group of multiple items, associated with certain time (col 5, lines 52-col 6, lines 4, col 2, lines 18-39).

Per claims 6, 18, 30, and 42, Matthew discloses wherein said objects represent certain television program on a certain channel at a certain time [the set-top terminal contacts the headen system and requests the downloading of certain program modules.. see col. 11, lines 50-67]; and

Page 5

Art Unit: 2173

Matthews provides a method and system for selecting a visible control item independently of the three dimensional plane surfaces and for supplying the user with an indication of other control items that are available for selection by the user (col/5, lines 52-col 6, lines 4). Also describes the three-dimensional menu 1005 is a collection of panels. It is used to present unique menu lists on each panel (col 17, lines 63-col 18, lines 9).

Per claims 8, 20, 32, and 44 Matthews discloses interactive system includes application for an electronic program guides and video on demand services, wherein certain television programs on a certain channels at a certain-times are presented (col 14, lines 51-58).

Matthews' interactive system includes a multi-sided panels which are parallel (see Fig. 7).

Per claims 10, 22, 34, and 46, Matthew discloses the system of Matthews employs three-dimensional images or pictures and animation to display three-dimensional object (col. 20, lines 38-48).

Claim Rejections - 35 USC º 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 8. Claims 7, 9, 19, 21, 31, 33, 43, and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, 111 et al (5,724,492) and further in view of Nakano et al (6,043,818). While Matthews' interactive system includes a multi-sided panels ("virtual mesh polyhedron"), these multi-sided panels are not explicitly described as a cube. Furthermore "planes correspond to levels of preference." also not explicitly described However, Nakano discloses interactive cubic display (claims 7, 19, 31, and 43), wherein users can activate any function in the cubic wall by clicking a button. Nakano further discloses a cubic planes arranged and displayed in four sides of a cube, wherein depending on user's preference each face of the cube can be selected to be shown or displayed in front; left, right or top of the cube (see figs. 17-21, col 15, lines 12 col 16, lines 3) (claims 9, 21, 33, and -15). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the interactive cubic shape surface planes with a multi-sided panels of Matthews'. Thus, Matthews' system will provide a viewer a preference setting of interactive objects on each cubic surface display.
- 9. Claims 11, 12, 23, 24, 35, 36, 47 and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (5,724,492) and Nakano et al (6,043,818) and further in view of Williams et al (5, 977, 964).

While Matthews and Nakano disclose an interactive cube ("virtual mesh polyhedron,") neither the cube having three axes nor the three axes of the cube correspond to time, channel, and

user preference is shown. However, Williams discloses the shortcomings. Williams relates to the field of entertainment systems, wherein Williams provides a method for automatically configuring a system based on a user's monitored system interaction and preferred system access times. Fig. 9 shows a display of television schedule grid configurable option which can vary from user to user base on the user's preference. A user can select a particular portion of the grid by moving a cursor across the grid to a cell in the grid that contains the title of the program available during the displayed time period. The system also displays the channels in the grid in the order of most frequently watched (fig. 9, col 7, lines 31-col 8, lines 24). Thus the system of Williams discloses these axes corresponding to time channel and user preference (see fig. 9) (claims 11, 12, 23, 24, 35, 36, 47 and 48).

Résponse to Amendment

10. Applicant's arguments filed 12 /26/2002 have been fully considered but they are not persuasive.

Accordingly, the Amendment as represented in the claims do not represent a patentable distinction over the art of record as discussed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's 4. OMARIO disclosure.

Responses to this action should be mailed to Commissioner of Patents and Trademarks, 5. Washington, D.C. 20231. If applicant-desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

CAO (KEVIN) NGUYEN PRIMARY F. XAMINER